

June 3, 2008

Lanark City Council met in regular session at City Hall. Alderman Ken Weaver, Alderman Lawrence Derrer, Alderman John Huggins, Alderman Mark Macomber, Alderman Jeri Beverley and Mayor Kevin Barnes were present. Alderman Ron Strohecker was absent.

Also present were Ed Mitchell, Les Guenzler, Chief Page, Nick Wagner, Alan Skoog, Andy Skoog, Peggy Etter, David Etter, Susan Poffenberger, Jim Smith and Holly Mason.

Mayor Barnes called the meeting to order at 7:30 PM.

The Clerk announced change to the committee minutes: need to add, "Leaf vac is four to six months lead time." Alderman Macomber confirmed. **Motion** made by Alderman Huggins, seconded by Alderman Macomber to accept the minutes of the May 6th meeting with changes to committee minutes. All ayes. Motion carried.

The Treasurer pointed out the Brownfield (General Fund) and Engineering Service (Water Fund) line items are over budget. She showed on her report the expenses were charged to Engineering Service in General Fund and Miscellaneous Expense in Water Fund. No one seemed to understand why this was poorly appropriated for. **Motion** made by Alderman Beverley, seconded by Alderman Weaver to accept and pay the bills from May 6th to present. All ayes. Motion carried.

Motion made by Alderman Beverley, seconded by Alderman Weaver to accept the Treasurer's Report for the month of April. All ayes. Motion carried.

Nick Wagner of MSA Professional Services submitted a project update (copy on file). Phase 2 – Wagner reported the soil samples showed no contamination. Wagner passed out reports of the ground water results. The highlighted areas show exceeded the Class II groundwater standards in benzo (b) & (a) – comes from hydraulic fluid. EPA's requirements to close the project are to pass resolution/ordinance: 1. ordinance restricting use of private well or 2. an environmental land use control (ELUC) could be placed by agreement with the neighboring property owner. If funds are available from EPA, could do another sample. If the water table goes down, likely the levels will come up. Benzo (a) may migrate to the building to the south (Zier building). All seemed to agree to do ordinance – no wells in town and cannot change use of building. Wagner announced EPA will probably require a letter be sent to the owner of the building informing owner of all of this. Southside Utilities – EPA permit in hand. Contact Mr. Peugh for walk through and set up meeting. Should clear up any concerns Peugh may have. Alderman Huggins feels due to the economy, we should do cheaply. How long until any development out there? Alderman Weaver agreed with cutting back on cost. Alderman Beverley feels short sided. Alderman Macomber feels never cheaper than today. When asked, Guenzler reported we should go other way – expensive but then it's done. Alderman Macomber announced he has been on the Council long enough and made short sided decisions which cost more in the long run. Alderman Beverley agreed. Alderman Beverley inquired what the actual difference between two projects. Alderman Huggins announced one half million and one quarter million. When asked about time line, Wagner reported the permits will take time - either route - probably a wash. Construction time will be a couple weeks longer. Alderman Weaver feels wait for large development. Wagner announced if all is set now, would make more attractive for developer. Alderman

Beverley does not want to keep redoing what we do. Wagner suggested talking to Peugh to see if he is dead set against, then we know where we have to go. When asked who will contact Peugh, Alderman Huggins announced he will set up with Peughs and MSA. Alderman Weaver asked for figures if we go cheaper route and do later. We have not heard back from Eastland School yet. Alderman Huggins reported the easement was approved. Mitchell will contact Hansen tomorrow. Do we pass the resolution for DOT permitting process tonight or wait? **Motion** made by Alderman Weaver, seconded by Alderman Macomber to sign resolution for DOT. Roll call: Alderman Weaver-aye, Alderman Macomber-aye, Alderman Beverley-aye, Alderman Huggins-aye and Alderman Derrer-aye. Motion carried. Wagner presented quarter report and draw down for Brownfield grant for Mayor's signatures.

Southside Utility Extension – Alan Skoog gave some background on experience and passed out updated sheets. Skoog explained recap sheet shows potential savings. Wagner reported the utility bond required by DOT is not included. Most cities and villages require bonding. Mitchell announced he was not sure this could be waived – performance bond. Skoog reported it could be done but will cost more. Wagner announced Skoog's cost is in line with MSA's estimate. Wagner suggested waive bidding and save time (about two months). Mitchell announced two thirds vote is needed to waive bidding. **Motion** made by Alderman Weaver, seconded by Alderman Derrer to accept bid and go ahead with project with Skoog. Mayor Barnes asked if there was any more discussion. Alderman Macomber would prefer to go with public bidding. He knows it will take longer, but we should have done this months ago. Alderman Macomber feels this is the only fair way to do this. Alderman Beverley announced due to the \$3,000 jump in thirty days, she hates to see more increases. Eastland Motor Sports deserves good quality service. Wagner announced we are not signing contract tonight. Mayor Barnes called for a roll call vote: Alderman Weaver-aye, Alderman Derrer-aye, Alderman Huggins-aye, Alderman Macomber-nay and Alderman Beverley-aye. Motion carried. Skoog will go ahead with ordering materials. When Mayor Barnes questioned if the City should do this in order to save the 6%, Wagner explained, if materials are defective, can go back to manufacturer. All seemed to agree to request performance bonds.

Two building permits were presented:

1. Bill VanMatre is requesting a permit to remove and replace cement steps in front of house. Alderman Beverley reported she looked at this and it does not require a permit. The Clerk announced when she looked it up, in one place it required a permit and in another it did not. She gave this information to Alderman Huggins, Ordinance Committee Chair, to look into.
2. Jeff Miller is requesting a permit to add on a front porch along the front of his house. He already has a set of steps out front. The porch will not be any deeper than current steps.

Motion made by Alderman Huggins, seconded by Alderman Beverley to approve building permit for Jeff Miller. All ayes. Motion carried.

General Audience - Holly Mason was present to inquire about general maintenance on her garage when the neighbor has a fence on the property line. The fence is about one foot from her garage. Mason is requesting legal access to get in to maintain her garage. Mitchell questioned if the City really wants to get involved as this is a civil issue. Mason feels the problem is caused due to the zoning allowing fence to be on the property line. Again, Mitchell questioned if it was really appropriate for the City to get involved. Mason feels it is the zoning law that puts her in this position. If neighbor has the right to put fence on property line, shouldn't she have the right to get in to maintain her garage? Mitchell agreed that Mason has issues but the City should not get involved. Mitchell explained what Mason is asking for is for the City to obtain right for her.

Mitchell feels there only certain things the City can do. The City should not have to mediate a dispute between neighbors. If we change now, fence would be grand fathered in – still have issues. Mitchell does not feel City should act as judge in this issue. Mason discussed drainage. The new garage has changed the pitch and water is routed around differently. The run off has caused seepage. What recourse does she have if she has water in basement? Mitchell announced, once again, dispute between neighbors. No one has the right to run water on other's property (10-11-1-I) – still a civil issue. Jim Smith announced she is draining water onto his property due to the garage overhang. Mayor Barnes announced the Zoning man (Chief of Police) will look at and see what can be done.

David and Peggy Etter were present to discuss the issue of bushes in alley. David Etter began by explaining when he moved here about eleven years ago the north/south street was open. About three years later, Ken Coble asked about closing that up. They agreed as did others in the neighborhood. About three years ago it was opened back up. Etter would like to see it closed up again as he feels it is safer closed. Darla Burkholder has grandkids and is concerned about safety. Etter doesn't think anyone but neighbors use this street. On an average day, only about two cars go through. Etter admitted he used to keep the hedge under control but lately has let go. The City has drawn a line which goes across the roots of the hedge. Lisa Libberton, Tree Board Chair has agreed to take back to the line and leave the rest. Etters would like to know what the City is going to do. The Etters and neighbors were not present when Libberton came. Sweitzer came at one point to take out trees and top hedge. Mayor Barnes asked Guenzler what the plan is. Guenzler announced the plan is to take out only ones coming out over top sometime this month. Mayor explained the street was opened due to neighbors fighting about whose parking place it is.

When asked if Jim Smith had any additional business, he announced he was here to discuss the fence on property line. Mayor Barnes announced it was okay where it's at. Smith thanked everyone and left.

Committees

Water & Sewer – no report.

Street and Property – no report. Mayor Barnes announced Aschenbrenner has painted the first coat on the park restrooms. Kelsey Hutchison has been there. Burkholder has put in the sidewalk. D&L has privacy fence done. Mayor feels all should be done by OSD. Mayor Barnes inquired about the roof at 111 South Broad. Alderman Macomber announced sometime this summer. Alderman Macomber reported he checked with Larry Moring for a dumpster. When should it be delivered? Alderman Beverley reported she will get started on books. Beverley will need a key. Alderman Beverley reported she will get help to get library books out of building.

Purchasing and Finance – no report.

Police – no report.

Personnel – Alderman Weaver requested executive session to discuss personnel.

Economic Development – no report.

Ordinance – no report.

Planning – Alderman Beverley met with Library Board. They talked about moving into this space. Contractor was brought in to discuss things which need to be done for library expansion.

The vault is a big deal to remove as it is surrounded by concrete. The Board has a three step plan:

1. take over this area - multi-media room/conference room. Holding events off site is not feasible. Once start renovations, have to rent place for temporary library.
2. add on to rear of building.
3. add on to west side.

Alderman Beverley reported we are trying to make use of all that building at 111 South Broad. They are trying to make this building work. Alderman Beverley would like to continue using the rear for storage and use the front for library. We are already contracting a new roof. This building would be used for City Hall and library in 111 South Broad. Alderman Beverley does not feel the Police Department should move in with City Hall. They have a good building. Alderman Macomber inquired if we needed a referendum. Alderman Beverley announced we do not as we were not for City Hall renovations. Alderman Beverley announced we were going to upgrade the plumbing, heating/AC, electrical and windows for new City Hall. The Clerk questioned why now, they didn't want that building before. Alderman Beverley reported they never did not want; they just didn't have the funds. Alderman Beverley announced we have to put the costs into renovations for City Hall anyway. The Library Board is willing to do in phases to use 111 South Broad. Library specialist, to make best use of building went through the building and feels we would be more efficient to use 111 South Broad for library rather than here. Alderman Huggins does not feel we should turn our money over to library for renovations. Alderman Beverley feels the square footage here is better for City Hall. Better usage of 111 South Broad as library. Alderman Beverley announced two thirds of building for library and one third for Maintenance Department. Beverley reported we currently have mold growing due to water damage (broken water pipe and leaky roof). Roof is just maintenance. Alderman Beverley announced we will need to upgrade the electrical, heating/AC, windows and plumbing if we move City Hall to 111. These will have to happen anyway. Alderman Beverley reported the Library will use their funds for the interior. Alderman Derrer inquired how much money do they have for renovations. Alderman Beverley announced \$40,000 - \$50,000 library and not sure about the Friends of the Library. Alderman Beverley announced the library does not stand alone. It is a city owned library. Council discussed using 111 South Broad for library. Alderman Weaver feels we need to think this over and see some figures. Alderman Beverley feels we can get sweat equity for demolition and possibly again for some interior work. The wall between must be a firewall. Alderman Weaver inquired why we needed a referendum before but not now. Mitchell announced because of the amount of money. Alderman Huggins agrees with Weaver. Also in the TIF district – could apply for funds. Chief Page announced to keep in mind the Police Dept. was getting storage space and still needs it. Chief would like to use the garage for squads and use the PD garage for storage. Chief reported he needs 10 X 12 with shelving for evidence – must be secure. It was suggested to possibly use the back cove of the current library for police storage. If interested, Alderman Beverley will go back to library and get information – what they can do and what then need help with. Alderman Beverley announced we can start with demolition as it has to be done either way – Phase 1.

Ed Mitchell, City Attorney submitted Ordinance #835 prevailing wages for approval. **Motion** made by Alderman Beverley, seconded by Alderman Macomber to approve Ordinance #835, prevailing wages. Roll call: Alderman Beverley-aye, Alderman Macomber-aye, Alderman Huggins-aye, Alderman Derrer-aye and Alderman Weaver-aye. Motion carried.

Les Guenzler, Maintenance Supervisor submitted written report. Guenzler announced Jimmy Green wants the sidewalk replaced in front of his home. Green is willing to do if City is willing to pay for concrete - about three yards. **Motion** made by Alderman Macomber, seconded by Alderman Huggins to approve Green replacing sidewalk up to three yards. All ayes. Motion

carried. We are allowing this due to Green being a concrete contractor. Guenzler announced Green is working at Mike Miller's. Sidewalk is broken up and missing. Green wants to replace the entire sidewalk there. Guenzler thought this would take about four yards. Green will do labor if City provides concrete. **Motion** made by Alderman Weaver, seconded by Alderman Macomber to approve Green replacing sidewalk at Miller's up to four yards. All ayes. Motion carried. Alderman Macomber reported Dickman complained about water pressure. Guenzler talked to wife. Guenzler thinks on same line with others. Mayor Barnes reported his is that way – when neighbor uses water his pressure goes down. Owner is responsible from valve to house. Guenzler thinks it is a ¾ line.

Chief Page submitted written report.

Guenzler reported he has a community service person painting the gazebo. Lady has three hours. Alderman Beverley could use her for library books at 111 South Broad.

Alderman Weaver and Alderman Derrer did not have any additional business.

Alderman Huggins reported within the next month or two, try to get community leaders together for building codes and get building inspector. Six or seven communities together share the cost – not mandatory, opt in. Sidewalk damaged at Alderman Macomber's when neighbor (Deacon Brown) was doing renovations. Alderman Huggins inquired if we should repair and bill the owner. All seemed to agree to repair and send bill to owner.

Alderman Macomber and Alderman Beverley did not have any more business this evening.

The Clerk inquired if anyone knew anything about the flyer on carpet cleaning which was in this week's Prairie Advocate. Several announced they are from Lake Carroll. Alderman Macomber reported they just did the Bank's carpet. When asked if the Clerk wanted to have the carpet cleaned here, she reported she would. She was given the go ahead to have carpet cleaned by this company. She did not have to report back with cost prior to having cleaned. Alderman Macomber inquired about property east of old laundromat. The clerk reported the water has been off since the end of January. When water was shut off, man came in stating they had new baby and needed water to make formula. After a short discussion, it was agreed to come up with a list of places people could contact for aid in paying bills.

Mayor Barnes read a thank you note from Etters. Mayor Barnes reported an elderly couple near city park (215 W. Leland) is requesting the City put in ramp from city sidewalk to street and sign for residential parking only. It was suggested to put up handicap parking only as done in another place in town. Guenzler will put up sign. Sidewalk? Some had concerns about precedence and liability issues. In the past when done, resident pays for. Clerk pointed out this is rental property. When asked about cost, Guenzler reported about \$200. Alderman Huggins announced if in plan to replace sidewalk, then put in. **Motion** made by Alderman Beverley, seconded by Alderman Huggins to put in handicap accessible ramp at 215 W. Leland. All ayes. Motion carried.

Motion made by Alderman Weaver, seconded by Alderman Beverley to enter executive session to discuss personnel. All ayes. Motion carried. Entered executive session at 10:02 PM.

Motion made by Alderman Weaver, seconded by Alderman Beverley to exit executive session. All ayes. Motion carried. Exited executive session at 10:21 PM.

Motion made by Alderman Weaver, seconded by Alderman Huggins to approve wage increases for Guenzler of 3% (about \$.60), Johnson \$.75 and Ferry \$.50 effective June 8th. All ayes. Motion carried.

Motion made by Alderman Weaver, seconded by Alderman Beverley to approve vacation when employee reaches fifteen years increase one day/additional year. All ayes. Motion carried.

Motion made by Alderman Beverley, seconded by Alderman Weaver to increase Police Department wages – Chief, full-time and part-time – 5% across the board effective June 8th. All ayes. Motion carried.

Motion made by Alderman Weaver, seconded by Alderman Beverley to adjourn.

Meeting adjourned at 10:25 PM.

*Respectfully submitted,
Jackie Hawbecker, City Clerk*